



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

1
2 An act relating to education; amending s. 1002.33,
3 F.S.; clarifying enforcement of policies agreed to by
4 the sponsor and charter school which are subsequently
5 amended; requiring a charter school sponsor to submit
6 an annual report that includes specified information;
7 authorizing a charter school operated by a Florida
8 College System institution to serve students in
9 kindergarten through grade 12 if certain criteria are
10 met; authorizing a school district to enter into
11 certain interlocal agreements and authorizing charter
12 schools to use the school district for certain related
13 services; revising provisions relating to the timely
14 submission of charter school applications; providing
15 requirements relating to the appeal of a denied
16 application submitted by a high-performing charter
17 school; prohibiting a sponsor from requiring a charter
18 school to have a certificate of occupancy before the
19 first day of school or to identify the students who
20 will be enrolled; providing for modification of a
21 charter; requiring a sponsor to make student academic
22 achievement for all students a priority in deciding
23 whether to renew a charter; modifying charter school
24 requirements for financial records; imposing rules
25 that follow the closing of a charter school or
26 termination of a charter; requiring a charter school
27 to maintain a public website with certain information;
28 providing that certain district school duties also



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

29 | apply to charter schools; restricting the membership
30 | of a charter school governing board; amending s.
31 | 1002.331, F.S.; modifying a limitation for increasing
32 | student enrollment; providing that the sponsor may
33 | deny a request to increase enrollment under certain
34 | circumstances; establishing timeframes for a charter
35 | school requesting that multiple charters be
36 | consolidated; requiring the Commissioner of Education
37 | to annually review a high-performing charter school's
38 | eligibility for high-performing status; authorizing
39 | declassification as a high-performing charter school;
40 | amending s. 1002.332, F.S.; revising requirements for
41 | classification as a high-performing charter school
42 | system; requiring the commissioner to annually review
43 | a high-performing charter school system's eligibility
44 | for high-performing status; authorizing
45 | declassification as a high-performing charter school
46 | system; requiring that full implementation of online
47 | assessments for Next Generation Sunshine State
48 | Standards in English/language arts and mathematics for
49 | all kindergarten through grade 12 public school
50 | students occur only after the technology
51 | infrastructure, connectivity, and capacity of all
52 | public schools and school districts have been load
53 | tested and independently verified as ready for
54 | successful deployment and implementation; requiring
55 | that the technology infrastructure, connectivity, and
56 | capacity of all public schools and school districts



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

57 | that administer statewide standardized assessments
58 | pursuant to s. 1008.22, F.S., be load tested and
59 | independently verified as appropriate, adequate,
60 | efficient, and sustainable; requiring the Department
61 | of Education to develop a proposed statewide, standard
62 | charter contract; amending s. 1012.2315, F.S.;
63 | providing that a student may not be assigned to an
64 | unsatisfactory teacher, particularly in a single
65 | subject if the student is in high school or middle
66 | school, for two consecutive school years; allowing a
67 | parent to choose for his or her child to be taught by
68 | a particular teacher in an extracurricular course
69 | under certain circumstances; amending s. 1002.31,
70 | F.S.; providing a calculation for compliance with
71 | class size maximums for a public school of choice;
72 | creating s. 1002.451, F.S.; creating schools of
73 | technology to allow school districts to be innovative
74 | with industry-leading technology and earn flexibility
75 | for high academic achievement; describing permissible
76 | learning models; specifying student eligibility
77 | requirements; providing guiding principles for schools
78 | of innovation; providing guiding principles for
79 | schools of technology; specifying requirements of a
80 | performance contract between the State Board of
81 | Education and an innovation school of technology;
82 | establishing the term of the performance contract;
83 | providing for funding; exempting schools of technology
84 | from ch. 1000-1013, F.S., subject to certain



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

85 | exceptions; exempting such schools from certain ad
86 | valorem taxes and other requirements; specifying
87 | school district eligibility; establishing an
88 | application process; limiting the number of schools of
89 | technology that may be operated and established in a
90 | school district; providing for a Region of Technology
91 | in which three or more school districts enter into a
92 | joint performance contract; requiring the State Board
93 | of Education to monitor schools of technology for
94 | compliance with the act and performance contracts;
95 | requiring the State Board of Education to adopt rules;
96 | requiring a school district with an innovation school
97 | of technology to submit an annual report to the State
98 | Board of Education and the Legislature; specifying
99 | requirements for such report; providing an effective
100 | date.

101 |
102 | Be It Enacted by the Legislature of the State of Florida:

103 |
104 | Section 1. Paragraph (b) of subsection (5), paragraphs
105 | (b), (c), and (h) of subsection (6), paragraphs (a) and (c) of
106 | subsection (7), and paragraph (a) of subsection (8) of section
107 | 1002.33, Florida Statutes, are amended, to read:

108 | 1002.33 Charter schools.—

109 | (5) SPONSOR; DUTIES.—

110 | (b) *Sponsor duties*.—

111 | 1.a. The sponsor shall monitor and review the charter
112 | school in its progress toward the goals established in the



ENROLLED
 CS/CS/HB 7009, Engrossed 3

2013 Legislature

113 charter.

114 b. The sponsor shall monitor the revenues and expenditures
 115 of the charter school and perform the duties provided in s.
 116 1002.345.

117 c. The sponsor may approve a charter for a charter school
 118 before the applicant has identified space, equipment, or
 119 personnel, if the applicant indicates approval is necessary for
 120 it to raise working funds.

121 d. The sponsor ~~sponsor's policies~~ shall not apply its
 122 policies to a charter school unless mutually agreed to by both
 123 the sponsor and the charter school. If the sponsor subsequently
 124 amends any agreed-upon sponsor policy, the version of the policy
 125 in effect at the time of the execution of the charter, or any
 126 subsequent modification thereof, shall remain in effect and the
 127 sponsor may not hold the charter school responsible for any
 128 provision of a newly revised policy until the revised policy is
 129 mutually agreed upon.

130 e. The sponsor shall ensure that the charter is innovative
 131 and consistent with the state education goals established by s.
 132 1000.03(5).

133 f. The sponsor shall ensure that the charter school
 134 participates in the state's education accountability system. If
 135 a charter school falls short of performance measures included in
 136 the approved charter, the sponsor shall report such shortcomings
 137 to the Department of Education.

138 g. The sponsor shall not be liable for civil damages under
 139 state law for personal injury, property damage, or death
 140 resulting from an act or omission of an officer, employee,



ENROLLED
CS/CS/HB 7009, Engrossed 3

2013 Legislature

141 agent, or governing body of the charter school.

142 h. The sponsor shall not be liable for civil damages under
143 state law for any employment actions taken by an officer,
144 employee, agent, or governing body of the charter school.

145 i. The sponsor's duties to monitor the charter school
146 shall not constitute the basis for a private cause of action.

147 j. The sponsor shall not impose additional reporting
148 requirements on a charter school without providing reasonable
149 and specific justification in writing to the charter school.

150 k. The sponsor shall submit an annual report to the
151 Department of Education in a web-based format to be determined
152 by the department.

153 (I) The report shall include the following information:

154 (A) The number of draft applications received on or before
155 May 1 and each applicant's contact information.

156 (B) The number of final applications received on or before
157 August 1 and each applicant's contact information.

158 (C) The date each application was approved, denied, or
159 withdrawn.

160 (D) The date each final contract was executed.

161 (II) Beginning August 31, 2013, and each year thereafter,
162 the sponsor shall submit to the department the information for
163 the applications submitted the previous year.

164 (III) The department shall compile an annual report, by
165 district, and post the report on its website by November 1 of
166 each year.

167 2. Immunity for the sponsor of a charter school under
168 subparagraph 1. applies only with respect to acts or omissions



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

169 not under the sponsor's direct authority as described in this
170 section.

171 3. This paragraph does not waive a district school board's
172 sovereign immunity.

173 4. A Florida College System institution may work with the
174 school district or school districts in its designated service
175 area to develop charter schools that offer secondary education.
176 These charter schools must include an option for students to
177 receive an associate degree upon high school graduation. If a
178 Florida College System institution operates an approved teacher
179 preparation program under s. 1004.04 or s. 1004.85, the
180 institution may operate no more than one charter school that
181 serves students in kindergarten through grade 12. In
182 kindergarten through grade 8, the charter school shall implement
183 innovative blended learning instructional models in which, for a
184 given course, a student learns in part through online delivery
185 of content and instruction with some element of student control
186 over time, place, path, or pace and in part at a supervised
187 brick-and-mortar location away from home. A student in a blended
188 learning course must be a full-time student of the charter
189 school and receive the online instruction in a classroom setting
190 at the charter school. District school boards shall cooperate
191 with and assist the Florida College System institution on the
192 charter application. Florida College System institution
193 applications for charter schools are not subject to the time
194 deadlines outlined in subsection (6) and may be approved by the
195 district school board at any time during the year. Florida
196 College System institutions may not report FTE for any students



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

197 who receive FTE funding through the Florida Education Finance
198 Program.

199 5. A school district may enter into nonexclusive
200 interlocal agreements with federal and state agencies, counties,
201 municipalities, and other governmental entities that operate
202 within the geographical borders of the school district to act on
203 behalf of such governmental entities in the inspection,
204 issuance, and other necessary activities for all necessary
205 permits, licenses, and other permissions that a charter school
206 needs in order for development, construction, or operation. A
207 charter school may use, but may not be required to use, a school
208 district for these services. The interlocal agreement must
209 include, but need not be limited to, the identification of fees
210 that charter schools will be charged for such services. The fees
211 must consist of the governmental entity's fees plus a fee for
212 the school district to recover no more than actual costs for
213 providing such services. These services and fees are not
214 included within the services to be provided pursuant to
215 subsection (20).

216 (6) APPLICATION PROCESS AND REVIEW.—Charter school
217 applications are subject to the following requirements:

218 (b) A sponsor shall receive and review all applications
219 for a charter school using an evaluation instrument developed by
220 the Department of Education. A sponsor shall receive and
221 consider charter school applications received on or before
222 August 1 of each calendar year for charter schools to be opened
223 at the beginning of the school district's next school year, or
224 to be opened at a time agreed to by the applicant and the



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

225 | sponsor. A sponsor may not refuse to receive a charter school
 226 | application submitted before August 1 and may receive an
 227 | application submitted ~~applications~~ later than August 1 ~~this date~~
 228 | if it chooses. In order to facilitate greater collaboration in
 229 | the application process, an applicant may submit a draft charter
 230 | school application on or before May 1 with an application fee of
 231 | \$500. If a draft application is timely submitted, the sponsor
 232 | shall review and provide feedback as to material deficiencies in
 233 | the application by July 1. The applicant shall then have until
 234 | August 1 to resubmit a revised and final application. The
 235 | sponsor may approve the draft application. A sponsor may not
 236 | charge an applicant for a charter any fee for the processing or
 237 | consideration of an application, and a sponsor may not base its
 238 | consideration or approval of a final ~~an~~ application upon the
 239 | promise of future payment of any kind. Before approving or
 240 | denying any final application, the sponsor shall allow the
 241 | applicant, upon receipt of written notification, at least 7
 242 | calendar days to make technical or nonsubstantive corrections
 243 | and clarifications, including, but not limited to, corrections
 244 | of grammatical, typographical, and like errors or missing
 245 | signatures, if such errors are identified by the sponsor as
 246 | cause to deny the final application.

247 | 1. In order to facilitate an accurate budget projection
 248 | process, a sponsor shall be held harmless for FTE students who
 249 | are not included in the FTE projection due to approval of
 250 | charter school applications after the FTE projection deadline.
 251 | In a further effort to facilitate an accurate budget projection,
 252 | within 15 calendar days after receipt of a charter school



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

253 application, a sponsor shall report to the Department of
254 Education the name of the applicant entity, the proposed charter
255 school location, and its projected FTE.

256 2. In order to ensure fiscal responsibility, an
257 application for a charter school shall include a full accounting
258 of expected assets, a projection of expected sources and amounts
259 of income, including income derived from projected student
260 enrollments and from community support, and an expense
261 projection that includes full accounting of the costs of
262 operation, including start-up costs.

263 3.a. A sponsor shall by a majority vote approve or deny an
264 application no later than 60 calendar days after the application
265 is received, unless the sponsor and the applicant mutually agree
266 in writing to temporarily postpone the vote to a specific date,
267 at which time the sponsor shall by a majority vote approve or
268 deny the application. If the sponsor fails to act on the
269 application, an applicant may appeal to the State Board of
270 Education as provided in paragraph (c). If an application is
271 denied, the sponsor shall, within 10 calendar days after such
272 denial, articulate in writing the specific reasons, based upon
273 good cause, supporting its denial of the charter application and
274 shall provide the letter of denial and supporting documentation
275 to the applicant and to the Department of Education.

276 b. An application submitted by a high-performing charter
277 school identified pursuant to s. 1002.331 may be denied by the
278 sponsor only if the sponsor demonstrates by clear and convincing
279 evidence that:

280 (I) The application does not materially comply with the



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

281 requirements in paragraph (a);

282 (II) The charter school proposed in the application does
 283 not materially comply with the requirements in paragraphs
 284 (9) (a) - (f);

285 (III) The proposed charter school's educational program
 286 does not substantially replicate that of the applicant or one of
 287 the applicant's high-performing charter schools;

288 (IV) The applicant has made a material misrepresentation
 289 or false statement or concealed an essential or material fact
 290 during the application process; or

291 (V) The proposed charter school's educational program and
 292 financial management practices do not materially comply with the
 293 requirements of this section.

294
 295 Material noncompliance is a failure to follow requirements or a
 296 violation of prohibitions applicable to charter school
 297 applications, which failure is quantitatively or qualitatively
 298 significant either individually or when aggregated with other
 299 noncompliance. An applicant is considered to be replicating a
 300 high-performing charter school if the proposed school is
 301 substantially similar to at least one of the applicant's high-
 302 performing charter schools and the organization or individuals
 303 involved in the establishment and operation of the proposed
 304 school are significantly involved in the operation of replicated
 305 schools.

306 c. If the sponsor denies an application submitted by a
 307 high-performing charter school, the sponsor must, within 10
 308 calendar days after such denial, state in writing the specific



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

309 reasons, based upon the criteria in sub-subparagraph b.,
310 supporting its denial of the application and must provide the
311 letter of denial and supporting documentation to the applicant
312 and to the Department of Education. The applicant may appeal the
313 sponsor's denial of the application directly to the State Board
314 of Education pursuant to sub-subparagraph (c)3.b.

315 4. For budget projection purposes, the sponsor shall
316 report to the Department of Education the approval or denial of
317 a charter application within 10 calendar days after such
318 approval or denial. In the event of approval, the report to the
319 Department of Education shall include the final projected FTE
320 for the approved charter school.

321 5. Upon approval of a charter application, the initial
322 startup shall commence with the beginning of the public school
323 calendar for the district in which the charter is granted unless
324 the sponsor allows a waiver of this subparagraph for good cause.

325 (c)1. An applicant may appeal any denial of that
326 applicant's application or failure to act on an application to
327 the State Board of Education no later than 30 calendar days
328 after receipt of the sponsor's decision or failure to act and
329 shall notify the sponsor of its appeal. Any response of the
330 sponsor shall be submitted to the State Board of Education
331 within 30 calendar days after notification of the appeal. Upon
332 receipt of notification from the State Board of Education that a
333 charter school applicant is filing an appeal, the Commissioner
334 of Education shall convene a meeting of the Charter School
335 Appeal Commission to study and make recommendations to the State
336 Board of Education regarding its pending decision about the



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

337 | appeal. The commission shall forward its recommendation to the
 338 | state board at least ~~no later than~~ 7 calendar days before ~~prior~~
 339 | ~~to~~ the date on which the appeal is to be heard. An appeal
 340 | regarding the denial of an application submitted by a high-
 341 | performing charter school pursuant to s. 1002.331 shall be
 342 | conducted by the State Board of Education in accordance with
 343 | this paragraph, except that the commission shall not convene to
 344 | make recommendations regarding the appeal. However, the
 345 | Commissioner of Education shall review the appeal and make a
 346 | recommendation to the state board.

347 | 2. The Charter School Appeal Commission or, in the case of
 348 | an appeal regarding an application submitted by a high-
 349 | performing charter school, the State Board of Education may
 350 | reject an appeal submission for failure to comply with
 351 | procedural rules governing the appeals process. The rejection
 352 | shall describe the submission errors. The appellant shall have
 353 | 15 calendar days after notice of rejection in which to resubmit
 354 | an appeal that meets the requirements set forth in State Board
 355 | of Education rule. An appeal submitted subsequent to such
 356 | rejection is considered timely if the original appeal was filed
 357 | within 30 calendar days after receipt of notice of the specific
 358 | reasons for the sponsor's denial of the charter application.

359 | 3.a. The State Board of Education shall by majority vote
 360 | accept or reject the decision of the sponsor no later than 90
 361 | calendar days after an appeal is filed in accordance with State
 362 | Board of Education rule. The State Board of Education shall
 363 | remand the application to the sponsor with its written decision
 364 | that the sponsor approve or deny the application. The sponsor



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

365 shall implement the decision of the State Board of Education.
366 The decision of the State Board of Education is not subject to
367 the provisions of the Administrative Procedure Act, chapter 120.

368 b. If an appeal concerns an application submitted by a
369 high-performing charter school identified pursuant to s.

370 1002.331, the State Board of Education shall determine whether
371 the sponsor has shown, by clear and convincing evidence, that:

372 (I) The application does not materially comply with the
373 requirements in paragraph (a);

374 (II) The charter school proposed in the application does
375 not materially comply with the requirements in paragraphs
376 (9) (a) - (f);

377 (III) The proposed charter school's educational program
378 does not substantially replicate that of the applicant or one of
379 the applicant's high-performing charter schools;

380 (IV) The applicant has made a material misrepresentation
381 or false statement or concealed an essential or material fact
382 during the application process; or

383 (V) The proposed charter school's educational program and
384 financial management practices do not materially comply with the
385 requirements of this section.

386
387 The State Board of Education shall approve or reject the
388 sponsor's denial of an application no later than 90 calendar
389 days after an appeal is filed in accordance with State Board of
390 Education rule. The State Board of Education shall remand the
391 application to the sponsor with its written decision that the
392 sponsor approve or deny the application. The sponsor shall



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

393 | implement the decision of the State Board of Education. The
394 | decision of the State Board of Education is not subject to the
395 | Administrative Procedure Act, chapter 120.

396 | (h) The terms and conditions for the operation of a
397 | charter school shall be set forth by the sponsor and the
398 | applicant in a written contractual agreement, called a charter.
399 | The sponsor may ~~shall~~ not impose unreasonable rules or
400 | regulations that violate the intent of giving charter schools
401 | greater flexibility to meet educational goals. The sponsor has
402 | 30 ~~shall have 60~~ days after approval of the application to
403 | provide an initial proposed charter contract to the charter
404 | school. The applicant and the sponsor have 40 ~~shall have 75~~ days
405 | thereafter to negotiate and notice the charter contract for
406 | final approval by the sponsor unless both parties agree to an
407 | extension. The proposed charter contract shall be provided to
408 | the charter school at least 7 calendar days prior to the date of
409 | the meeting at which the charter is scheduled to be voted upon
410 | by the sponsor. The Department of Education shall provide
411 | mediation services for any dispute regarding this section
412 | subsequent to the approval of a charter application and for any
413 | dispute relating to the approved charter, except disputes
414 | regarding charter school application denials. If the
415 | Commissioner of Education determines that the dispute cannot be
416 | settled through mediation, the dispute may be appealed to an
417 | administrative law judge appointed by the Division of
418 | Administrative Hearings. The administrative law judge has final
419 | order authority to ~~may~~ rule on issues of equitable treatment of
420 | the charter school as a public school, whether proposed



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

421 provisions of the charter violate the intended flexibility
422 granted charter schools by statute, or on any other matter
423 regarding this section except a charter school application
424 denial, a charter termination, or a charter nonrenewal and shall
425 award the prevailing party reasonable attorney's fees and costs
426 incurred to be paid by the losing party. The costs of the
427 administrative hearing shall be paid by the party whom the
428 administrative law judge rules against.

429 (7) CHARTER.—The major issues involving the operation of a
430 charter school shall be considered in advance and written into
431 the charter. The charter shall be signed by the governing board
432 of the charter school and the sponsor, following a public
433 hearing to ensure community input.

434 (a) The charter shall address and criteria for approval of
435 the charter shall be based on:

436 1. The school's mission, the students to be served, and
437 the ages and grades to be included.

438 2. The focus of the curriculum, the instructional methods
439 to be used, any distinctive instructional techniques to be
440 employed, and identification and acquisition of appropriate
441 technologies needed to improve educational and administrative
442 performance which include a means for promoting safe, ethical,
443 and appropriate uses of technology which comply with legal and
444 professional standards.

445 a. The charter shall ensure that reading is a primary
446 focus of the curriculum and that resources are provided to
447 identify and provide specialized instruction for students who
448 are reading below grade level. The curriculum and instructional



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

449 strategies for reading must be consistent with the Next
450 Generation Sunshine State Standards and grounded in
451 scientifically based reading research.

452 b. In order to provide students with access to diverse
453 instructional delivery models, to facilitate the integration of
454 technology within traditional classroom instruction, and to
455 provide students with the skills they need to compete in the
456 21st century economy, the Legislature encourages instructional
457 methods for blended learning courses consisting of both
458 traditional classroom and online instructional techniques.
459 Charter schools may implement blended learning courses which
460 combine traditional classroom instruction and virtual
461 instruction. Students in a blended learning course must be full-
462 time students of the charter school and receive the online
463 instruction in a classroom setting at the charter school.

464 Instructional personnel certified pursuant to s. 1012.55 who
465 provide virtual instruction for blended learning courses may be
466 employees of the charter school or may be under contract to
467 provide instructional services to charter school students. At a
468 minimum, such instructional personnel must hold an active state
469 or school district adjunct certification under s. 1012.57 for
470 the subject area of the blended learning course. The funding and
471 performance accountability requirements for blended learning
472 courses are the same as those for traditional courses.

473 3. The current incoming baseline standard of student
474 academic achievement, the outcomes to be achieved, and the
475 method of measurement that will be used. The criteria listed in
476 this subparagraph shall include a detailed description of:



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

477 a. How the baseline student academic achievement levels
478 and prior rates of academic progress will be established.

479 b. How these baseline rates will be compared to rates of
480 academic progress achieved by these same students while
481 attending the charter school.

482 c. To the extent possible, how these rates of progress
483 will be evaluated and compared with rates of progress of other
484 closely comparable student populations.

485

486 The district school board is required to provide academic
487 student performance data to charter schools for each of their
488 students coming from the district school system, as well as
489 rates of academic progress of comparable student populations in
490 the district school system.

491 4. The methods used to identify the educational strengths
492 and needs of students and how well educational goals and
493 performance standards are met by students attending the charter
494 school. The methods shall provide a means for the charter school
495 to ensure accountability to its constituents by analyzing
496 student performance data and by evaluating the effectiveness and
497 efficiency of its major educational programs. Students in
498 charter schools shall, at a minimum, participate in the
499 statewide assessment program created under s. 1008.22.

500 5. In secondary charter schools, a method for determining
501 that a student has satisfied the requirements for graduation in
502 s. 1003.428, s. 1003.429, or s. 1003.43.

503 6. A method for resolving conflicts between the governing
504 board of the charter school and the sponsor.



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

505 | 7. The admissions procedures and dismissal procedures,
506 | including the school's code of student conduct.

507 | 8. The ways by which the school will achieve a
508 | racial/ethnic balance reflective of the community it serves or
509 | within the racial/ethnic range of other public schools in the
510 | same school district.

511 | 9. The financial and administrative management of the
512 | school, including a reasonable demonstration of the professional
513 | experience or competence of those individuals or organizations
514 | applying to operate the charter school or those hired or
515 | retained to perform such professional services and the
516 | description of clearly delineated responsibilities and the
517 | policies and practices needed to effectively manage the charter
518 | school. A description of internal audit procedures and
519 | establishment of controls to ensure that financial resources are
520 | properly managed must be included. Both public sector and
521 | private sector professional experience shall be equally valid in
522 | such a consideration.

523 | 10. The asset and liability projections required in the
524 | application which are incorporated into the charter and shall be
525 | compared with information provided in the annual report of the
526 | charter school.

527 | 11. A description of procedures that identify various
528 | risks and provide for a comprehensive approach to reduce the
529 | impact of losses; plans to ensure the safety and security of
530 | students and staff; plans to identify, minimize, and protect
531 | others from violent or disruptive student behavior; and the
532 | manner in which the school will be insured, including whether or



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

533 not the school will be required to have liability insurance,
534 and, if so, the terms and conditions thereof and the amounts of
535 coverage.

536 12. The term of the charter which shall provide for
537 cancellation of the charter if insufficient progress has been
538 made in attaining the student achievement objectives of the
539 charter and if it is not likely that such objectives can be
540 achieved before expiration of the charter. The initial term of a
541 charter shall be for 4 or 5 years. In order to facilitate access
542 to long-term financial resources for charter school
543 construction, charter schools that are operated by a
544 municipality or other public entity as provided by law are
545 eligible for up to a 15-year charter, subject to approval by the
546 district school board. A charter lab school is eligible for a
547 charter for a term of up to 15 years. In addition, to facilitate
548 access to long-term financial resources for charter school
549 construction, charter schools that are operated by a private,
550 not-for-profit, s. 501(c)(3) status corporation are eligible for
551 up to a 15-year charter, subject to approval by the district
552 school board. Such long-term charters remain subject to annual
553 review and may be terminated during the term of the charter, but
554 only according to the provisions set forth in subsection (8).

555 13. The facilities to be used and their location. The
556 sponsor may not require a charter school to have a certificate
557 of occupancy or a temporary certificate of occupancy for such a
558 facility earlier than 15 calendar days before the first day of
559 school.

560 14. The qualifications to be required of the teachers and



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

561 the potential strategies used to recruit, hire, train, and
562 retain qualified staff to achieve best value.

563 15. The governance structure of the school, including the
564 status of the charter school as a public or private employer as
565 required in paragraph (12)(i).

566 16. A timetable for implementing the charter which
567 addresses the implementation of each element thereof and the
568 date by which the charter shall be awarded in order to meet this
569 timetable.

570 17. In the case of an existing public school that is being
571 converted to charter status, alternative arrangements for
572 current students who choose not to attend the charter school and
573 for current teachers who choose not to teach in the charter
574 school after conversion in accordance with the existing
575 collective bargaining agreement or district school board rule in
576 the absence of a collective bargaining agreement. However,
577 alternative arrangements shall not be required for current
578 teachers who choose not to teach in a charter lab school, except
579 as authorized by the employment policies of the state university
580 which grants the charter to the lab school.

581 18. Full disclosure of the identity of all relatives
582 employed by the charter school who are related to the charter
583 school owner, president, chairperson of the governing board of
584 directors, superintendent, governing board member, principal,
585 assistant principal, or any other person employed by the charter
586 school who has equivalent decisionmaking authority. For the
587 purpose of this subparagraph, the term "relative" means father,
588 mother, son, daughter, brother, sister, uncle, aunt, first



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

589 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
590 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
591 stepfather, stepmother, stepson, stepdaughter, stepbrother,
592 stepsister, half brother, or half sister.

593 19. Implementation of the activities authorized under s.
594 1002.331 by the charter school when it satisfies the eligibility
595 requirements for a high-performing charter school. A high-
596 performing charter school shall notify its sponsor in writing by
597 March 1 if it intends to increase enrollment or expand grade
598 levels the following school year. The written notice shall
599 specify the amount of the enrollment increase and the grade
600 levels that will be added, as applicable.

601 (c) A charter may be modified during its initial term or
602 any renewal term upon the recommendation of the sponsor or the
603 charter school's governing board and the approval of both
604 parties to the agreement. Modification may include, but is not
605 limited to, consolidation of multiple charters into a single
606 charter if the charters are operated under the same governing
607 board and physically located on the same campus, regardless of
608 the renewal cycle.

609 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

610 (a) The sponsor shall make student academic achievement
611 for all students the most important factor when determining
612 whether to renew or terminate the charter. The sponsor may also
613 choose not to renew or may terminate the charter for any of the
614 following grounds:

615 1. Failure to participate in the state's education
616 accountability system created in s. 1008.31, as required in this



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

617 section, or failure to meet the requirements for student
618 performance stated in the charter.

619 2. Failure to meet generally accepted standards of fiscal
620 management.

621 3. Violation of law.

622 4. Other good cause shown.

623 Section 2. Paragraphs (g) and (n) of subsection (9),
624 paragraph (i) of subsection (10), paragraph (a) of subsection
625 (21), and subsection (27) of section 1002.33, Florida Statutes,
626 are amended, paragraphs (o) and (p) are added to subsection (9)
627 of that section, paragraph (c) is added to subsection (16) of
628 that section, and paragraph (c) is added to subsection (26) of
629 that section, to read:

630 1002.33 Charter schools.—

631 (9) CHARTER SCHOOL REQUIREMENTS.—

632 (g)1. In order to provide financial information that is
633 comparable to that reported for other public schools, charter
634 schools are to maintain all financial records that constitute
635 their accounting system:

636 ~~a.1~~. In accordance with the accounts and codes prescribed
637 in the most recent issuance of the publication titled "Financial
638 and Program Cost Accounting and Reporting for Florida Schools";
639 or

640 ~~b.2~~. At the discretion of the charter school's governing
641 board, a charter school may elect to follow generally accepted
642 accounting standards for not-for-profit organizations, but must
643 reformat this information for reporting according to this
644 paragraph.



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

645 2. Charter schools shall provide annual financial report
646 and program cost report information in the state-required
647 formats for inclusion in district reporting in compliance with
648 s. 1011.60(1). Charter schools that are operated by a
649 municipality or are a component unit of a parent nonprofit
650 organization may use the accounting system of the municipality
651 or the parent but must reformat this information for reporting
652 according to this paragraph.

653 3. A charter school shall provide the sponsor with a
654 concise, uniform, monthly financial statement summary sheet that
655 contains a balance sheet and a statement of revenue,
656 expenditures, and changes in fund balance. The balance sheet and
657 the statement of revenue, expenditures, and changes in fund
658 balance shall be in the governmental funds format prescribed by
659 the Governmental Accounting Standards Board. A charter school
660 shall provide a monthly financial statement to the sponsor
661 unless the charter school is designated as A high-performing
662 charter school pursuant to s. 1002.331, in which case the high-
663 performing charter school may provide a quarterly financial
664 statement in the same format and requirements as the uniform
665 monthly financial statement summary sheet. The financial
666 statement required under this paragraph shall be in a form
667 prescribed by the Department of Education.

668 4. A charter school shall maintain and provide financial
669 information as required in this paragraph. The financial
670 statement required in subparagraph 3. must be in a form
671 prescribed by the Department of Education.

672 (n)1. The director and a representative of the governing



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

673 board of a charter school that has earned a grade of "D" or "F"
674 pursuant to s. 1008.34(2) shall appear before the sponsor to
675 present information concerning each contract component having
676 noted deficiencies. The director and a representative of the
677 governing board shall submit to the sponsor for approval a
678 school improvement plan to raise student achievement. Upon
679 approval by the sponsor, the charter school shall begin
680 implementation of the school improvement plan. The department
681 shall offer technical assistance and training to the charter
682 school and its governing board and establish guidelines for
683 developing, submitting, and approving such plans.

684 2.a. If a charter school earns three consecutive grades of
685 "D," two consecutive grades of "D" followed by a grade of "F,"
686 or two nonconsecutive grades of "F" within a 3-year period, the
687 charter school governing board shall choose one of the following
688 corrective actions:

689 (I) Contract for educational services to be provided
690 directly to students, instructional personnel, and school
691 administrators, as prescribed in state board rule;

692 (II) Contract with an outside entity that has a
693 demonstrated record of effectiveness to operate the school;

694 (III) Reorganize the school under a new director or
695 principal who is authorized to hire new staff; or

696 (IV) Voluntarily close the charter school.

697 b. The charter school must implement the corrective action
698 in the school year following receipt of a third consecutive
699 grade of "D," a grade of "F" following two consecutive grades of
700 "D," or a second nonconsecutive grade of "F" within a 3-year



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

701 period.

702 c. The sponsor may annually waive a corrective action if
703 it determines that the charter school is likely to improve a
704 letter grade if additional time is provided to implement the
705 intervention and support strategies prescribed by the school
706 improvement plan. Notwithstanding this sub-subparagraph, a
707 charter school that earns a second consecutive grade of "F" is
708 subject to subparagraph 4.

709 d. A charter school is no longer required to implement a
710 corrective action if it improves by at least one letter grade.
711 However, the charter school must continue to implement
712 strategies identified in the school improvement plan. The
713 sponsor must annually review implementation of the school
714 improvement plan to monitor the school's continued improvement
715 pursuant to subparagraph 5.

716 e. A charter school implementing a corrective action that
717 does not improve by at least one letter grade after 2 full
718 school years of implementing the corrective action must select a
719 different corrective action. Implementation of the new
720 corrective action must begin in the school year following the
721 implementation period of the existing corrective action, unless
722 the sponsor determines that the charter school is likely to
723 improve a letter grade if additional time is provided to
724 implement the existing corrective action. Notwithstanding this
725 sub-subparagraph, a charter school that earns a second
726 consecutive grade of "F" while implementing a corrective action
727 is subject to subparagraph 4.

728 3. A charter school with a grade of "D" or "F" that



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

729 improves by at least one letter grade must continue to implement
 730 the strategies identified in the school improvement plan. The
 731 sponsor must annually review implementation of the school
 732 improvement plan to monitor the school's continued improvement
 733 pursuant to subparagraph 5.

734 4. The sponsor shall terminate a charter if the charter
 735 school earns two consecutive grades of "F" unless:

736 a. The charter school is established to turn around the
 737 performance of a district public school pursuant to s.
 738 1008.33(4)(b)3. Such charter schools shall be governed by s.
 739 1008.33;

740 b. The charter school serves a student population the
 741 majority of which resides in a school zone served by a district
 742 public school that earned a grade of "F" in the year before the
 743 charter school opened and the charter school earns at least a
 744 grade of "D" in its third year of operation. The exception
 745 provided under this sub-subparagraph does not apply to a charter
 746 school in its fourth year of operation and thereafter; or

747 c. The state board grants the charter school a waiver of
 748 termination. The charter school must request the waiver within
 749 15 ~~30~~ days after the department's official release ~~completion~~ of
 750 school grades ~~grade appeals~~. The state board may waive
 751 termination if the charter school demonstrates that the learning
 752 gains of its students on statewide assessments are comparable to
 753 or better than the learning gains of similarly situated students
 754 enrolled in nearby district public schools. The waiver is valid
 755 for 1 year and may only be granted once. Charter schools that
 756 have been in operation for more than 5 years are not eligible



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

757 for a waiver under this sub-subparagraph.

758 5. The director and a representative of the governing
759 board of a graded charter school that has implemented a school
760 improvement plan under this paragraph shall appear before the
761 sponsor at least once a year to present information regarding
762 the progress of intervention and support strategies implemented
763 by the school pursuant to the school improvement plan and
764 corrective actions, if applicable. The sponsor shall communicate
765 at the meeting, and in writing to the director, the services
766 provided to the school to help the school address its
767 deficiencies.

768 6. Notwithstanding any provision of this paragraph except
769 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter
770 at any time pursuant to subsection (8).

771 (o)1. Upon initial notification of nonrenewal, closure, or
772 termination of its charter, a charter school may not expend more
773 than \$10,000 per expenditure without prior written approval from
774 the sponsor unless such expenditure was included within the
775 annual budget submitted to the sponsor pursuant to the charter
776 contract, is for reasonable attorney fees and costs during the
777 pendency of any appeal, or is for reasonable fees and costs to
778 conduct an independent audit.

779 2. An independent audit shall be completed within 30 days
780 after notice of nonrenewal, closure, or termination to account
781 for all public funds and assets.

782 3. A provision in a charter contract that contains an
783 acceleration clause requiring the expenditure of funds based
784 upon closure or upon notification of nonrenewal or termination



ENROLLED
CS/CS/HB 7009, Engrossed 3

2013 Legislature

785 is void and unenforceable.

786 4. A charter school may not enter into a contract with an
787 employee that exceeds the term of the school's charter contract
788 with its sponsor.

789 5. A violation of this paragraph triggers a reversion or
790 clawback power by the sponsor allowing for collection of an
791 amount equal to or less than the accelerated amount that exceeds
792 normal expenditures. The reversion or clawback plus legal fees
793 and costs shall be levied against the person or entity receiving
794 the accelerated amount.

795 (p) Each charter school shall maintain a website that
796 enables the public to obtain information regarding the school;
797 the school's academic performance; the names of the governing
798 board members; the programs at the school; any management
799 companies, service providers, or education management
800 corporations associated with the school; the school's annual
801 budget and its annual independent fiscal audit; the school's
802 grade pursuant to s. 1008.34; and, on a quarterly basis, the
803 minutes of governing board meetings.

804 (10) ELIGIBLE STUDENTS.—

805 (i) The capacity of a high-performing charter school
806 identified pursuant to s. 1002.331 shall be determined annually
807 by the governing board of the charter school. The governing
808 board shall notify the sponsor of any increase in enrollment by
809 March 1 of the school year preceding the increase. A sponsor may
810 not require a charter school to identify the names of students
811 to be enrolled or to enroll those students before the start of
812 the school year as a condition of approval or renewal of a



ENROLLED
CS/CS/HB 7009, Engrossed 3

2013 Legislature

813 | charter.

814 | (16) EXEMPTION FROM STATUTES.—

815 | (c) For purposes of subparagraphs (b)4.-7.:

816 | 1. The duties assigned to a district school superintendent

817 | apply to charter school administrative personnel, as defined in

818 | s. 1012.01(3)(a) and (b), and the charter school governing board

819 | shall designate at least one administrative person to be

820 | responsible for such duties.

821 | 2. The duties assigned to a district school board apply to

822 | a charter school governing board.

823 | 3. A charter school may hire instructional personnel and

824 | other employees on an at-will basis.

825 | 4. Notwithstanding any provision to the contrary,

826 | instructional personnel and other employees on contract may be

827 | suspended or dismissed any time during the term of the contract

828 | without cause.

829 | (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

830 | (a) The Department of Education shall provide information

831 | to the public, directly and through sponsors, on how to form and

832 | operate a charter school and how to enroll in a charter school

833 | once it is created. This information shall include a model

834 | ~~standard~~ application form format, standard charter contract

835 | ~~format~~, standard evaluation instrument, and standard charter

836 | renewal contract format, which shall include the information

837 | specified in subsection (7) and shall be developed by consulting

838 | and negotiating with both school districts and charter schools

839 | before implementation. The charter and charter renewal contracts

840 | ~~formats~~ shall be used by charter school sponsors.



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

841 (26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

842 (c) An employee of the charter school, or his or her
843 spouse, or an employee of a charter management organization, or
844 his or her spouse, may not be a member of the governing board of
845 the charter school.

846 (27) RULEMAKING.—The Department of Education, after
847 consultation with school districts and charter school directors,
848 shall recommend that the State Board of Education adopt rules to
849 implement specific subsections of this section. Such rules shall
850 require minimum paperwork and shall not limit charter school
851 flexibility authorized by statute. The State Board of Education
852 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to
853 implement a charter model application form, standard evaluation
854 instrument, and standard charter and charter renewal contracts
855 ~~formats~~ in accordance with this section.

856 Section 3. Subsections (2) and (5) of section 1002.331,
857 Florida Statutes, are amended to read:

858 1002.331 High-performing charter schools.—

859 (2) A high-performing charter school is authorized to:

860 (a) Increase its student enrollment once per school year
861 ~~by up to 15 percent~~ more than the capacity identified in the
862 charter, but student enrollment may not exceed the current
863 facility capacity.

864 (b) Expand grade levels within kindergarten through grade
865 12 to add grade levels not already served if any annual
866 enrollment increase resulting from grade level expansion is
867 within the limit established in paragraph (a).

868 (c) Submit a quarterly, rather than a monthly, financial



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

869 statement to the sponsor pursuant to s. 1002.33(9)(g).

870 (d) Consolidate under a single charter the charters of
 871 multiple high-performing charter schools operated in the same
 872 school district by the charter schools' governing board
 873 regardless of the renewal cycle.

874 (e) Receive a modification of its charter to a term of 15
 875 years or a 15-year charter renewal. The charter may be modified
 876 or renewed for a shorter term at the option of the high-
 877 performing charter school. The charter must be consistent with
 878 s. 1002.33(7)(a)19. and (10)(h) and (i), is subject to annual
 879 review by the sponsor, and may be terminated during its term
 880 pursuant to s. 1002.33(8).

881
 882 A high-performing charter school shall notify its sponsor in
 883 writing by March 1 if it intends to increase enrollment or
 884 expand grade levels the following school year. The written
 885 notice shall specify the amount of the enrollment increase and
 886 the grade levels that will be added, as applicable. If a charter
 887 school notifies the sponsor of its intent to expand, the sponsor
 888 shall modify the charter within 90 days to include the new
 889 enrollment maximum and may not make any other changes. The
 890 sponsor may deny a request to increase the enrollment of a high-
 891 performing charter school if the commissioner has declassified
 892 the charter school as high-performing. If a high-performing
 893 charter school requests to consolidate multiple charters, the
 894 sponsor shall have 40 days after receipt of that request to
 895 provide an initial draft charter to the charter school. The
 896 sponsor and charter school shall have 50 days thereafter to



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

897 negotiate and notice the charter contract for final approval by
 898 the sponsor.

899 (5) The Commissioner of Education, upon request by a
 900 charter school, shall verify that the charter school meets the
 901 criteria in subsection (1) and provide a letter to the charter
 902 school and the sponsor stating that the charter school is a
 903 high-performing charter school pursuant to this section. The
 904 commissioner shall annually determine whether a high-performing
 905 charter school under subsection (1) continues to meet the
 906 criteria in that subsection. Such high-performing charter school
 907 shall maintain its high-performing status unless the
 908 commissioner determines that the charter school no longer meets
 909 the criteria in subsection (1), at which time the commissioner
 910 shall send a letter providing notification of its
 911 declassification as a high-performing charter school.

912 Section 4. Paragraph (b) of subsection (1) and paragraph
 913 (a) of subsection (2) of section 1002.332, Florida Statutes, are
 914 amended to read:

915 1002.332 High-performing charter school system.—

916 (1) For purposes of this section, the term:

917 (b) "High-performing charter school system" means an
 918 entity that:

919 1. Operated ~~Operates~~ at least three high-performing
 920 charter schools in the state during each of the previous 3
 921 school years;

922 2. Operated ~~Operates~~ a system of charter schools in which
 923 at least 50 percent of the charter schools were ~~are~~ high-
 924 performing charter schools pursuant to s. 1002.331 and no



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

925 charter school earned a school grade of "D" or "F" pursuant to
 926 s. 1008.34 in any of the previous 3 school years regardless of
 927 whether the entity currently operates the charter school, except
 928 that:

929 a. If the entity ~~has~~ assumed operation of a public school
 930 pursuant to s. 1008.33(4)(b)3. with a school grade of "F," that
 931 school's grade may not be considered in determining high-
 932 performing charter school system status for a period of 3 years.

933 b. If the entity established ~~establishes~~ a new charter
 934 school that served ~~serves~~ a student population the majority of
 935 which resided ~~resides~~ in a school zone served by a public school
 936 that earned a grade of "F" or three consecutive grades of "D"
 937 pursuant to s. 1008.34, that charter school's grade may not be
 938 considered in determining high-performing charter school system
 939 status if it attained ~~attains~~ and maintained ~~maintains~~ a school
 940 grade that was ~~is~~ higher than that of the public school serving
 941 that school zone within 3 years after establishment; and

942 3. Did ~~Has~~ not receive ~~received~~ a financial audit that
 943 revealed one or more of the financial emergency conditions set
 944 forth in s. 218.503(1) for any charter school assumed or
 945 established by the entity in the most recent 3 fiscal years for
 946 which such audits are available.

947 (2) (a) The Commissioner of Education, ~~upon request by an~~
 948 ~~entity,~~ shall verify all charter schools served by an entity and
 949 verify that the entity meets the criteria in this section
 950 ~~subsection (1)~~ for the previous ~~prior~~ school year and provide a
 951 letter to the entity stating that it is a high-performing
 952 charter school system.



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

953 | 1. As part of the commissioner's verification, the entity
954 | shall identify all charter schools in this state which the
955 | entity has operated or provided services for the previous 3
956 | years, regardless of whether the entity currently operates or
957 | provides services for the charter school. For all such charter
958 | schools that the entity no longer operates, the entity shall
959 | identify the reasons the entity terminated the operation or
960 | services or grounds stated by the charter school's governing
961 | board in terminating the operation or services of the entity.

962 | 2. The commissioner shall annually determine whether a
963 | high-performing charter school system continues to meet the
964 | criteria in this section. A high-performing charter school
965 | system shall maintain its high-performing status unless the
966 | commissioner determines that the charter school system no longer
967 | meets the criteria in this section, at which time the
968 | commissioner shall send a letter providing notification of its
969 | declassification as a high-performing charter school system.

970 | Section 5. Subsection (6) is added to section 1012.2315,
971 | Florida Statutes, to read:

972 | 1012.2315 Assignment of teachers.—

973 | (6) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE
974 | EVALUATIONS.—

975 | (a) If a high school or middle school student is currently
976 | taught by a classroom teacher who, during that school year,
977 | receives a performance evaluation rating of "needs improvement"
978 | or "unsatisfactory" under s. 1012.34, the student may not be
979 | assigned the following school year to a classroom teacher in the
980 | same subject area who received a performance evaluation rating



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

981 of "needs improvement" or "unsatisfactory" in the preceding
982 school year.

983 (b) If an elementary school student is currently taught by
984 a classroom teacher who, during that school year, receives a
985 performance evaluation rating of "needs improvement" or
986 "unsatisfactory" under s. 1012.34, the student may not be
987 assigned the following school year to a classroom teacher who
988 received a performance evaluation rating of "needs improvement"
989 or "unsatisfactory" in the preceding school year.

990 (c) For a student enrolling in an extracurricular course
991 as defined in s. 1003.01(15), a parent may choose to have the
992 student taught by a teacher who received a performance
993 evaluation of "needs improvement" or "unsatisfactory" in the
994 preceding school year if the student and the student's parent
995 receive an explanation of the impact of teacher effectiveness on
996 student learning and the principal receives written consent from
997 the parent.

998 Section 6. Full implementation of online assessments for
999 Next Generation Sunshine State Standards in English/language
1000 arts and mathematics adopted under s. 1003.41, Florida Statutes,
1001 for all kindergarten through grade 12 public school students
1002 shall occur only after the technology infrastructure,
1003 connectivity, and capacity of all public schools and school
1004 districts have been load tested and independently verified as
1005 ready for successful deployment and implementation.

1006 Section 7. The technology infrastructure, connectivity,
1007 and capacity of all public schools and school districts that
1008 administer statewide standardized assessments pursuant to s.



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

1009 1008.22, Florida Statutes, including online assessments, shall
 1010 be load tested and independently verified as appropriate,
 1011 adequate, efficient, and sustainable.

1012 Section 8. The Department of Education shall develop a
 1013 proposed statewide, standard charter contract and a proposed
 1014 definition of the term "management company" by consulting and
 1015 negotiating with school districts and charter schools and
 1016 provide the proposed charter contract to the Governor, the
 1017 President of the Senate, and the Speaker of the House of
 1018 Representatives by November 1, 2013.

1019 Section 9. Subsection (9) is added to section 1002.31,
 1020 Florida Statutes, to read:

1021 1002.31 Public school parental choice.—

1022 (9) For a school or program that is a public school of
 1023 choice under this section, the calculation for compliance with
 1024 maximum class size pursuant to s. 1003.03 is the average number
 1025 of students at the school level.

1026 Section 10. Section 1002.451, Florida Statutes, is created
 1027 to read:

1028 1002.451 District innovation school of technology
 1029 program.—

1030 (1) DISTRICT INNOVATION SCHOOL OF TECHNOLOGY.—

1031 (a) A district school board may operate an innovation
 1032 school of technology for the purpose of developing the
 1033 innovative use of industry-leading technology while requiring
 1034 high student academic achievement and accountability in exchange
 1035 for flexibility and exemption from specified statutes and rules.
 1036 The innovation school of technology shall operate within



ENROLLED
CS/CS/HB 7009, Engrossed 3

2013 Legislature

1037 existing resources.

1038 (b) An innovation school of technology is a school that
1039 has, on a schoolwide basis, adopted and implemented a blended
1040 learning program. A blended learning program is an education
1041 program in which a student learns in part through online
1042 delivery of content and instruction with some element of student
1043 control over time, place, path, or pace and in part at a
1044 supervised brick-and-mortar location away from home. Blended
1045 learning models must include major components such as
1046 differentiated instruction, data-driven placement, flexible
1047 scheduling, differentiated teaching, and self-paced learning.
1048 The school may use one of the following blended learning models:

1049 1. Flipped classroom model in which students use online
1050 instructional videos and practice concepts in the classroom with
1051 the support of the teacher;

1052 2. Flex model in which students learn primarily online and
1053 teachers act as facilitators; or

1054 3. Rotation model in which students move between different
1055 learning modalities, such as online instruction, teacher-
1056 directed instruction, seminar or group projects, and one-on-one
1057 teacher coaching. Rotation models include individual, station,
1058 and laboratory models.

1059 (c) An innovation school of technology must be open to any
1060 student covered in an interdistrict agreement or residing in the
1061 school district in which the innovation school of technology is
1062 located. An innovation school of technology shall enroll an
1063 eligible student who submits a timely application if the number
1064 of applications does not exceed the capacity of a program,



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

1065 class, grade level, or building. If the number of applications
1066 exceeds capacity, all applicants shall have an equal chance of
1067 being admitted through a public random selection process.
1068 However, a district may give enrollment preference to students
1069 who identify the innovation school of technology as the
1070 student's preferred choice pursuant to the district's controlled
1071 open enrollment plan.

1072 (2) GUIDING PRINCIPLES.—An innovation school of technology
1073 shall be guided by the following principles:

1074 (a) Meet high standards of student achievement in exchange
1075 for flexibility with respect to statutes or rules.

1076 (b) Implement innovative learning methods and assessment
1077 tools to implement a schoolwide transformation regarding
1078 industry-leading technology to improve student learning and
1079 academic achievement.

1080 (c) Promote enhanced academic success and financial
1081 efficiency by aligning responsibility with accountability and
1082 industry-leading technology.

1083 (d) Measure student performance based on student learning
1084 growth, or based on student achievement if student learning
1085 growth cannot be measured.

1086 (e) Provide a parent with sufficient information as to
1087 whether his or her child is reading at grade level and making
1088 learning gains each year.

1089 (f) Incorporate industry certifications and similar
1090 recognitions into performance expectations.

1091 (g) Focus on utilizing industry-leading hardware and
1092 software technology for student individual use and to develop



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

1093 the school's infrastructure in furtherance of this section.

1094 (3) TERM OF PERFORMANCE CONTRACT.—An innovation school of
 1095 technology may operate pursuant to a performance contract with
 1096 the State Board of Education for a period of 5 years.

1097 (a) Before expiration of the performance contract, the
 1098 school's performance shall be evaluated against the eligibility
 1099 criteria, purpose, guiding principles, and compliance with the
 1100 contract to determine whether the contract may be renewed. The
 1101 contract may be renewed every 5 years.

1102 (b) The performance contract shall be terminated by the
 1103 State Board of Education if:

1104 1. The school receives a grade of "F" as an innovation
 1105 school of technology for 2 consecutive years;

1106 2. The school or district fails to comply with the
 1107 criteria in this section;

1108 3. The school or district does not comply with terms of
 1109 the contract which specify that a violation results in
 1110 termination; or

1111 4. Other good cause is shown.

1112 (4) FUNDING.—A district school board operating an
 1113 innovation school of technology shall report full-time
 1114 equivalent students to the department in a manner prescribed by
 1115 the department, and funding shall be provided through the
 1116 Florida Education Finance Program as provided in ss. 1011.61 and
 1117 1011.62. An innovation school of technology may seek and receive
 1118 additional funding through incentive grants or public or private
 1119 partnerships.

1120 (5) EXEMPTION FROM STATUTES.—



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

1121 (a) An innovation school of technology is exempt from
1122 chapters 1000-1013. However, an innovation school of technology
1123 shall comply with the following provisions of those chapters:

1124 1. Laws pertaining to the following:

1125 a. Schools of technology, including this section.
1126 b. Student assessment program and school grading system.
1127 c. Services to students who have disabilities.
1128 d. Civil rights, including s. 1000.05, relating to
1129 discrimination.

1130 e. Student health, safety, and welfare.

1131 2. Laws governing the election and compensation of
1132 district school board members and election or appointment and
1133 compensation of district school superintendents.

1134 3. Section 1003.03, governing maximum class size, except
1135 that the calculation for compliance pursuant to s. 1003.03 is
1136 the average at the school level.

1137 4. Sections 1012.22(1)(c) and 1012.27(2), relating to
1138 compensation and salary schedules.

1139 5. Section 1012.33(5), relating to workforce reductions,
1140 for annual contracts for instructional personnel. This
1141 subparagraph does not apply to at-will employees.

1142 6. Section 1012.335, relating to contracts with
1143 instructional personnel hired on or after July 1, 2011, for
1144 annual contracts for instructional personnel. This subparagraph
1145 does not apply to at-will employees.

1146 7. Section 1012.34, relating to requirements for
1147 performance evaluations of instructional personnel and school
1148 administrators.



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

1149 (b) An innovation school of technology shall also comply
 1150 with chapter 119 and s. 286.011, relating to public meetings and
 1151 records, public inspection, and criminal and civil penalties.

1152 (c) An innovation school of technology is exempt from ad
 1153 valorem taxes and the State Requirements for Educational
 1154 Facilities when leasing facilities.

1155 (6) APPLICATION PROCESS AND PERFORMANCE CONTRACT.—

1156 (a) A district school board may apply to the State Board
 1157 of Education for an innovation school of technology if the
 1158 district:

1159 1. Has at least 20 percent of its total enrollment in
 1160 public school choice programs or at least 5 percent of its total
 1161 enrollment in charter schools;

1162 2. Has no material weaknesses or instances of material
 1163 noncompliance noted in the annual financial audit conducted
 1164 pursuant to s. 218.39; and

1165 3. Has received a district grade of "A" or "B" in each of
 1166 the past 3 years.

1167 (b) A district school board may operate one innovation
 1168 school of technology upon an application being approved by the
 1169 State Board of Education.

1170 1. A district school board may apply to the State Board of
 1171 Education to establish additional schools of technology if each
 1172 existing innovation school of technology in the district:

1173 a. Meets all requirements in this section and in the
 1174 performance contract;

1175 b. Has a grade of "A" or "B"; and

1176 c. Has at least 50 percent of its students exceed the



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

1177 state average on the statewide assessment program pursuant to s.
 1178 1008.22. This comparison may take student subgroups, as defined
 1179 in the federal Elementary and Secondary Education Act (ESEA), 20
 1180 U.S.C. s. 6311(b) (2) (C) (v) (II), into specific consideration so
 1181 that at least 50 percent of students in each student subgroup
 1182 meet or exceed the statewide average performance, rounded to the
 1183 nearest whole number, of that particular subgroup.

1184 2. Notwithstanding subparagraph 1., the number of schools
 1185 of technology in a school district may not exceed:

1186 a. Seven in a school district that has 100,000 or more
 1187 students.

1188 b. Five in a school district that has 50,000 to 99,999
 1189 students.

1190 c. Three in a school district that has fewer than 50,000
 1191 students.

1192 (c) A school district that meets the eligibility
 1193 requirements of paragraph (a) may apply to the State Board of
 1194 Education at any time to enter into a performance contract to
 1195 operate an innovation school of technology. The application
 1196 must, at a minimum:

1197 1. Demonstrate how the school district meets and will
 1198 continue to meet the requirements of this section;

1199 2. Identify how the school will accomplish the purposes
 1200 and guiding principles of this section;

1201 3. Identify the statutes or rules from which the district
 1202 is seeking a waiver for the school;

1203 4. Identify and provide supporting documentation for the
 1204 purpose and impact of each waiver, how each waiver would enable



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

1205 the school to achieve the purpose and guiding principles of this
 1206 section, and how the school would not be able to achieve the
 1207 purpose and guiding principles of this section without each
 1208 waiver; and

1209 5. Confirm that the school board remains responsible for
 1210 the operation, control, and supervision of the school in
 1211 accordance with all applicable laws, rules, and district
 1212 procedures not waived pursuant to this section or waived
 1213 pursuant to other applicable law.

1214 (d) The State Board of Education shall approve or deny the
 1215 application within 90 days or, with the agreement of the school
 1216 district, at a later date.

1217 (e) The performance contract must address the terms under
 1218 which the State Board of Education may cancel the contract and,
 1219 at a minimum, the methods by which:

1220 1. Upon execution of the performance contract, the school
 1221 district will plan the program during the first year, begin at
 1222 least partial implementation of the program during the second
 1223 year, and fully implement the program by the third year. A
 1224 district may implement the program sooner than specified in this
 1225 subparagraph if authorized in the performance contract.

1226 2. The school will integrate industry-leading technology
 1227 into instruction, assessment, and professional development. The
 1228 school may also restructure the school day or school year in a
 1229 way that allows it to best accomplish its goals.

1230 3. The school and district will monitor performance
 1231 progress based on skills that help students succeed in college
 1232 and careers, including problem solving, research,



ENROLLED
CS/CS/HB 7009, Engrossed 3

2013 Legislature

- 1233 interpretation, and communication.
- 1234 4. The school will incorporate industry certifications and
1235 similar recognitions into performance expectations.
- 1236 5. The school and district will comply with this section
1237 and the performance contract.
- 1238 (f) Three or more contiguous school districts may apply to
1239 enter into a joint performance contract as a Region of
1240 Technology, subject to terms and conditions contained in this
1241 section for a single school district.
- 1242 (g) The State Board of Education shall monitor schools of
1243 technology to ensure that the respective school district is in
1244 compliance with this section and the performance contract.
- 1245 (h) The State Board of Education shall adopt rules
1246 pursuant to ss. 120.536(1) and 120.54 to implement this section,
1247 including, but not limited to, an application, evaluation
1248 instrument, and renewal evaluation instrument.
- 1249 (i) This section does not supersede the provisions of s.
1250 768.28.
- 1251 (7) REPORTS.—The school district of an innovation school
1252 of technology shall submit to the State Board of Education, the
1253 President of the Senate, and the Speaker of the House of
1254 Representatives an annual report by December 1 of each year
1255 which delineates the performance of the innovation school of
1256 technology as it relates to the academic performance of
1257 students. The annual report shall be submitted in a format
1258 prescribed by the Department of Education and must include, but
1259 need not be limited to, the following:
- 1260 (a) Evidence of compliance with this section.



ENROLLED

CS/CS/HB 7009, Engrossed 3

2013 Legislature

- 1261 (b) Efforts to close the achievement gap.
- 1262 (c) Longitudinal performance of students, by grade level
- 1263 and subgroup, in mathematics, reading, writing, science, and any
- 1264 other subject that is included as a part of the statewide
- 1265 assessment program in s. 1008.22.
- 1266 (d) Longitudinal performance for students who take an
- 1267 Advanced Placement Examination, organized by age, gender, and
- 1268 race, and for students who participate in the National School
- 1269 Lunch Program.
- 1270 (e) Number and percentage of students who take an Advanced
- 1271 Placement Examination.
- 1272 (f) Identification and analysis of industry-leading
- 1273 technology used to comply with this section, including, but not
- 1274 limited to, recommendations and lessons learned from such use.
- 1275 Section 11. This act shall take effect July 1, 2013.